

(continued)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: Yes

Committee meeting of Senate Environment and Energy Committee [and] Assembly Environment and Solid Waste Committee: the Committees will meet jointly to receive testimony from invited guests concerning climate change mitigation, with testimony focusing on what steps the State is currently taking, and recommendations for future actions to address greenhouse gas emissions
[April 25, 2019, Trenton, New Jersey]
Call number: 974.90 P777, 2019a
Online at: <http://hdl.handle.net/10929/54446>

NEWSPAPER ARTICLES: Yes

"Governor signs bill to reduce global warming pollutants, NJBIZ, July 24, 2019

RWH/CL

P.L. 2019, CHAPTER 197, *approved July 23, 2019*
Senate, No. 3207 (*Second Reprint*)

1 AN ACT concerning the reduction of greenhouse gases and
2 amending ¹**["and supplementing"]**¹ P.L.2007, c.112.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. Section 2 of P.L.2007, c.112 (C.26:2C-38) is amended to
8 read as follows:

9 2. The Legislature finds and declares that, internationally, the
10 issue of global warming has caused alarm, awareness, and action
11 concerning climate changes occurring around the globe attributed to
12 the high level of certain gases called "greenhouse gases" - gases
13 that increase temperatures in the atmosphere and the risk of
14 catastrophic changes to the Earth's ecosystems and environment;
15 that, while this global warming may be a theory to some, the effects
16 of increasing levels of greenhouse gases in the atmosphere are
17 accepted by **["many"]** all respected scientists and **["members"]** the vast
18 majority of the international community as seriously detrimental to
19 the ecosystems and environment of the world; that, ultimately, if
20 steps are not taken to reverse these trends, the effects on human,
21 animal and plant life on Earth may be catastrophic; that solutions
22 exist to halt the increasing of greenhouse gases in the atmosphere
23 and reduce these emissions; that, as a global issue, each country and
24 region within a country must do its part to reduce these greenhouse
25 gases that threaten the globe; and that, as a State, there are specific
26 actions that can be taken to attack the problem of global warming,
27 through reductions of greenhouse gas emissions in the State and
28 participation in regional and interstate initiatives to reduce these
29 emissions regionally, nationally, and internationally.

30 The Legislature further finds and declares that, while carbon
31 dioxide is the ¹primary and¹ most abundant greenhouse gas, other
32 greenhouse gases known as short-lived climate pollutants, including
33 black carbon, fluorinated gases, and methane, create a warming
34 influence on the climate that is many times more potent ¹over a
35 shorter period of time¹ than that of carbon dioxide, and have a
36 dramatic and detrimental effect on air quality, public health, and
37 climate change; and that reducing emissions of these pollutants can
38 have an immediate beneficial impact on climate change and public
39 health.

40 The Legislature therefore finds and declares that it is in the
41 public interest to establish a greenhouse gas emissions reduction

EXPLANATION – Matter enclosed in bold-faced brackets **["thus"]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted February 21, 2019.

²Senate floor amendments adopted March 14, 2019.

1 program ¹that includes a comprehensive strategy to reduce short-
2 lived climate pollutants and¹ to limit the level of Statewide
3 greenhouse gas emissions, and greenhouse gas emissions from
4 electricity generated outside the State but consumed in the State, to
5 the 1990 level or below, of those emissions by the year 2020, and to
6 reduce those emissions to 80 **[%]** percent below the 2006 level by
7 the year 2050 ¹**], and to develop a comprehensive strategy to reduce**
8 **emissions of short-lived climate pollutants in the State**¹ .

9 (cf: P.L.2007, c.112, s.2)

10
11 2. Section 3 of P.L.2007, c.112 (C.26:2C-39) is amended to
12 read as follows:

13 3. For the purposes of **[this act]** P.L.2007, c.112 (C.26:2C-37
14 et al.):

15 “Department” means the Department of Environmental
16 Protection.

17 “Greenhouse gas” means carbon dioxide, ¹**[black carbon,]**¹
18 methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons,
19 sulfur hexafluoride, and any other gas or substance determined by
20 the Department of Environmental Protection to be a significant
21 contributor to the problem of global warming.

22 “Statewide greenhouse gas emissions” means the sum of
23 calendar year emissions of greenhouse gases from all sources within
24 the State, and from electricity generated outside the State but
25 consumed in the State, as determined by the department pursuant to
26 subsection c. of section 5 of **[this act]** P.L.2007, c.112 ¹**[(C.26:2C-**
27 **37 et al.)]** C.26:2C-41)¹ .

28 “2020 limit” means the level of greenhouse gas emissions equal
29 to the 1990 level of Statewide greenhouse gas emissions.

30 “2050 limit” means the level of greenhouse gas emissions equal
31 to 80 percent less than the 2006 level of Statewide greenhouse gas
32 emissions.

33 (cf: P.L.2007, c.112, s.3)

34
35 3. Section 5 of P.L.2007, c.112 (C.26:2C-41) is amended to
36 read as follows:

37 5. a. No later than **[January 1, 2009]** 18 months after the
38 effective date of P.L. , c. (C.) (pending before the
39 Legislature as this bill), the department shall adopt, pursuant to the
40 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
41 seq.), rules and regulations establishing a greenhouse gas emissions
42 monitoring and reporting program to monitor and report Statewide
43 greenhouse gas emissions.

44 b. The rules and regulations adopted pursuant to subsection a.
45 of this section shall identify all significant sources of Statewide
46 greenhouse gas emissions ¹including short-lived climate pollutants,¹
47 and shall provide for, but need not be limited to, the following:

1 (1) monitoring and reporting of existing emissions and changes
2 in emissions over time from the sources identified by the
3 department;

4 (2) reporting the levels of those emissions and changes in those
5 emissions levels annually, commencing **【on January 1, 2009】** 18
6 months after the effective date of P.L. , c. (C.) (pending
7 before the Legislature as this bill); and

8 (3) monitoring progress toward the 2020 limit and the 2050
9 limit ¹and any interim limits¹ .

10 c. Pursuant to the rules and regulations adopted pursuant to
11 subsection a. of this section, the department shall require reporting
12 of the greenhouse gas emissions:

13 (1) associated with fossil fuels used in the State, as reported by
14 entities that are manufacturers and distributors of fossil fuels, which
15 may include, but need not be limited to, oil refineries, oil storage
16 facilities, natural gas pipelines, and fuel wholesale and retail
17 distributors;

18 (2) from any entity generating electricity in the State and from
19 any entity that generates electricity outside the State that is
20 delivered for end use in the State. With respect to electricity
21 generated outside the State and imported into the State, the
22 department shall determine the emissions from that generation by
23 subtracting the kilowatt-hours of electricity generated in the State
24 from the kilowatt-hours of electricity consumed in the State, and
25 multiplying the difference by a default emissions rate determined by
26 the department;

27 (3) from any gas public utility as defined in section 3 of
28 P.L.1999, c.23 (C.48:3-51); and

29 (4) from any additional entities that are significant emitters of
30 greenhouse gases, as determined by the department, and as
31 appropriate to enable the department to monitor compliance with
32 progress toward the 2020 limit and the 2050 limit.

33 ²d. No later than 18 months after the department prepares and
34 transmits the report as required pursuant to subsection c. of section 6
35 of P.L.2007, c112 (C.26:2C-42), the department shall adopt, pursuant
36 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
37 seq.), rules and regulations establishing interim benchmarks necessary
38 to achieve the 2050 limit, and measures necessary to achieve the 2050
39 limit and the established interim benchmarks.²

40 (cf: P.L.2007, c.112, s.5)

41

42 4. Section 6 of P.L.2007, c.112 (C.26:2C-42) is amended to
43 read as follows:

44 6. a. The department, in consultation with the Board of Public
45 Utilities, the Department of Agriculture, the Department of
46 Transportation, and the Department of Community Affairs, shall
47 evaluate policies and measures that will enable the State to achieve
48 the 2020 limit, shall make specific recommendations on how to

1 achieve the emission reduction targets, including measures that
2 reduce emissions in all sectors of the economy including
3 transportation, housing, and consumer products, and shall evaluate
4 the economic benefits and costs of implementing these
5 recommendations. The department shall coordinate its evaluation
6 of greenhouse gas emission reduction policies and measures with
7 the work of the Energy Master Plan Committee established pursuant
8 to section 12 of P.L.1977, c.146 (C.52:27F-14).

9 b. No later than June 30, 2008, the department, and any other
10 State agencies, as appropriate, shall prepare a report recommending
11 the measures necessary to reduce greenhouse gas emissions to
12 achieve the 2020 limit. The report shall include specific
13 recommendations for legislative and regulatory action that will be
14 necessary to achieve the 2020 limit. The report shall be transmitted
15 to the Governor, to the State Treasurer, to the Legislature pursuant
16 to section 2 of P.L.1991, c.164 (C.52:14-19.1) and to the members
17 of the Senate Environment Committee and the Assembly
18 Environment and Solid Waste Committee.

19 c. No later than **June 30, 2010** one year after the effective
20 date of P.L. , c. (C.) (pending before the Legislature as this
21 bill), the department, in consultation with the Board of Public
22 Utilities¹ and any other State agencies, as appropriate, shall prepare
23 a report recommending the measures necessary to reduce
24 greenhouse gas emissions including short-lived climate pollutants,¹
25 to achieve the 2050 limit. The report shall include specific
26 recommendations for legislative and regulatory action that will be
27 necessary to achieve the 2050 limit and any established interim
28 benchmarks¹ . The report shall also include recommendations for
29 additional policies and measures that will be required if the State is
30 otherwise expected to exceed the 2020 limit and any additional
31 measures that will be required to meet the 2050 limit. The report
32 shall be transmitted to the Governor, to the State Treasurer, to the
33 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1)
34 and to the members of the Senate Environment Committee and the
35 Assembly Environment and Solid Waste Committee.

36 d. The Energy Master Plan Committee shall include in its
37 adoption of the first update of the energy master plan completed
38 after the date of enactment of **this act** P.L.2007, c.112 (C.26:2C-
39 37 et al.), a list of recommended policies and measures to reduce
40 the emission of greenhouse gases from the production, processing,
41 distribution, transmission, storage, or use of energy that will
42 contribute to achieving the 2020 limit.

43 e. Nothing in **this act** P.L.2007, c.112 (C.26:2C-37 et al.)
44 shall impose any limit on the existing authority of the department,
45 the Board of Public Utilities, or any other State department or
46 agency to limit or regulate greenhouse gas emissions pursuant to
47 law.

48 (cf: P.L.2007, c.112, s.6)

1 5. Section 7 of P.L.2007, c.112 (C.26:2C-43) is amended to
2 read as follows:

3 7. a. No later than **【January 1, 2009】** 18 months after the
4 effective date of P.L. , c. (C.) (pending before the
5 Legislature as this bill), and biennially thereafter, the department
6 shall prepare and transmit, in writing, a report to the Governor, to
7 the State Treasurer, to the Legislature pursuant to section 2 of
8 P.L.1991, c.164 (C.52:14-19.1) and to the members of the Senate
9 Environment Committee and the Assembly Environment and Solid
10 Waste Committee, on the status of the greenhouse gas emissions
11 monitoring and reporting program established pursuant to **【this act】**
12 P.L.2007, c.112 (C.26:2C-37 et al.), the current level of greenhouse
13 gas emissions in the State and the progress made toward compliance
14 with the 2020 limit and the 2050 limit established pursuant to **【this**
15 **act】** P.L.2007, c.112 (C.26:2C-37 et al.). The report shall also
16 include updated and comparative inventories of Statewide
17 greenhouse gas emissions.

18 b. **【No later than January 1, 2015,】** As part of the reports
19 required pursuant to subsection a. of this section, the department
20 shall evaluate the ecological, economic, and environmental factors
21 and the technological capability affecting the attainment or
22 maintenance of the 2020 limit and the 2050 limit established
23 pursuant to this act.

24 (cf: P.L.2007, c.112, s.7)

25

26 ¹**【6. (New section) a. No later than 18 months after the**
27 **effective date of P.L. , c. (C.) (pending before the**
28 **Legislature as this bill)**, the department shall develop a
29 comprehensive strategy to reduce emissions of short-lived climate
30 pollutants in the State. In developing the strategy, the department
31 shall:

32 (1) complete an inventory of sources and emissions of short-
33 lived climate pollutants in the State based on available data;

34 (2) identify research needs to address any gaps in the data;

35 (3) identify existing and potential new control measures to
36 reduce emissions;

37 (4) prioritize the development of new measures to reduce short-
38 lived climate pollutants that offer co-benefits by improving water
39 quality or reducing other air pollutants that impact community
40 health and benefit disadvantaged communities, as identified by the
41 department; and

42 (5) coordinate with other State agencies and local government
43 units to develop measures identified as part of the strategy.

44 b. The department shall hold at least one public hearing during
45 the development of the strategy required pursuant to subsection a.
46 of this section to receive input from members of the academic
47 community, industry experts, and members of the public.

1 c. Nothing in this section shall be construed to limit the
2 existing authority of the department, the Board of Public Utilities,
3 or any other State department or agency to limit or regulate short-
4 lived climate pollutants pursuant to law.

5 d. As used in this section, “short-lived climate pollutant”
6 means a pollutant that has a relatively short lifespan in the
7 atmosphere, from a few days to a few decades, and has a warming
8 influence on the climate that is greater than that of carbon dioxide
9 and includes, but is not limited to, black carbon, fluorinated gases,
10 and methane.】¹

11

12 ¹【7.】 6.¹ This act shall take effect immediately.

13

14

15

16

17 Establishes new timeframes for implementation of, and revises,
18 certain requirements in “Global Warming Response Act.”

SENATE, No. 3207

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED NOVEMBER 26, 2018

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

SYNOPSIS

Establishes new timeframes for implementation of certain requirements in “Global Warming Response Act”; requires DEP to adopt strategy to reduce short-lived climate pollutants.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/4/2018)

1 AN ACT concerning the reduction of greenhouse gases and
2 amending and supplementing P.L.2007, c.112.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.2007, c.112 (C.26:2C-38) is amended to
8 read as follows:

9 2. The Legislature finds and declares that, internationally, the
10 issue of global warming has caused alarm, awareness, and action
11 concerning climate changes occurring around the globe attributed to
12 the high level of certain gases called "greenhouse gases" - gases
13 that increase temperatures in the atmosphere and the risk of
14 catastrophic changes to the Earth's ecosystems and environment;
15 that, while this global warming may be a theory to some, the effects
16 of increasing levels of greenhouse gases in the atmosphere are
17 accepted by **[many]** all respected scientists and **[members]** the vast
18 majority of the international community as seriously detrimental to
19 the ecosystems and environment of the world; that, ultimately, if
20 steps are not taken to reverse these trends, the effects on human,
21 animal and plant life on Earth may be catastrophic; that solutions
22 exist to halt the increasing of greenhouse gases in the atmosphere
23 and reduce these emissions; that, as a global issue, each country and
24 region within a country must do its part to reduce these greenhouse
25 gases that threaten the globe; and that, as a State, there are specific
26 actions that can be taken to attack the problem of global warming,
27 through reductions of greenhouse gas emissions in the State and
28 participation in regional and interstate initiatives to reduce these
29 emissions regionally, nationally, and internationally.

30 The Legislature further finds and declares that, while carbon
31 dioxide is the most abundant greenhouse gas, other greenhouse
32 gases known as short-lived climate pollutants, including black
33 carbon, fluorinated gases, and methane, create a warming influence
34 on the climate that is many times more potent than that of carbon
35 dioxide, and have a dramatic and detrimental effect on air quality,
36 public health, and climate change; and that reducing emissions of
37 these pollutants can have an immediate beneficial impact on climate
38 change and public health.

39 The Legislature therefore finds and declares that it is in the
40 public interest to establish a greenhouse gas emissions reduction
41 program to limit the level of Statewide greenhouse gas emissions,
42 and greenhouse gas emissions from electricity generated outside the
43 State but consumed in the State, to the 1990 level or below, of those
44 emissions by the year 2020, and to reduce those emissions to 80
45 **[%]** percent below the 2006 level by the year 2050 , and to develop

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 a comprehensive strategy to reduce emissions of short-lived climate
2 pollutants in the State.

3 (cf: P.L.2007, c.112, s.2)

4

5 2. Section 3 of P.L.2007, c.112 (C.26:2C-39) is amended to
6 read as follows:

7 3. For the purposes of **【this act】** P.L.2007, c.112 (C.26:2C-37
8 et al.):

9 “Department” means the Department of Environmental
10 Protection.

11 “Greenhouse gas” means carbon dioxide, black carbon, methane,
12 nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur
13 hexafluoride, and any other gas or substance determined by the
14 Department of Environmental Protection to be a significant
15 contributor to the problem of global warming.

16 “Statewide greenhouse gas emissions” means the sum of
17 calendar year emissions of greenhouse gases from all sources within
18 the State, and from electricity generated outside the State but
19 consumed in the State, as determined by the department pursuant to
20 subsection c. of section 5 of **【this act】** P.L.2007, c.112 (C.26:2C-37
21 et al.).

22 “2020 limit” means the level of greenhouse gas emissions equal
23 to the 1990 level of Statewide greenhouse gas emissions.

24 “2050 limit” means the level of greenhouse gas emissions equal
25 to 80 percent less than the 2006 level of Statewide greenhouse gas
26 emissions.

27 (cf: P.L.2007, c.112, s.3)

28

29 3. Section 5 of P.L.2007, c.112 (C.26:2C-41) is amended to
30 read as follows:

31 5. a. No later than **【January 1, 2009】** 18 months after the
32 effective date of P.L. , c. (C.) (pending before the
33 Legislature as this bill), the department shall adopt, pursuant to the
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
35 seq.), rules and regulations establishing a greenhouse gas emissions
36 monitoring and reporting program to monitor and report Statewide
37 greenhouse gas emissions.

38 b. The rules and regulations adopted pursuant to subsection a.
39 of this section shall identify all significant sources of Statewide
40 greenhouse gas emissions and shall provide for, but need not be
41 limited to, the following:

42 (1) monitoring and reporting of existing emissions and changes
43 in emissions over time from the sources identified by the
44 department;

45 (2) reporting the levels of those emissions and changes in those
46 emissions levels annually, commencing **【on January 1, 2009】** 18
47 months after the effective date of P.L. , c. (C.) (pending
48 before the Legislature as this bill); and

1 (3) monitoring progress toward the 2020 limit and the 2050
2 limit.

3 c. Pursuant to the rules and regulations adopted pursuant to
4 subsection a. of this section, the department shall require reporting
5 of the greenhouse gas emissions:

6 (1) associated with fossil fuels used in the State, as reported by
7 entities that are manufacturers and distributors of fossil fuels, which
8 may include, but need not be limited to, oil refineries, oil storage
9 facilities, natural gas pipelines, and fuel wholesale and retail
10 distributors;

11 (2) from any entity generating electricity in the State and from
12 any entity that generates electricity outside the State that is
13 delivered for end use in the State. With respect to electricity
14 generated outside the State and imported into the State, the
15 department shall determine the emissions from that generation by
16 subtracting the kilowatt-hours of electricity generated in the State
17 from the kilowatt-hours of electricity consumed in the State, and
18 multiplying the difference by a default emissions rate determined by
19 the department;

20 (3) from any gas public utility as defined in section 3 of
21 P.L.1999, c.23 (C.48:3-51); and

22 (4) from any additional entities that are significant emitters of
23 greenhouse gases, as determined by the department, and as
24 appropriate to enable the department to monitor compliance with
25 progress toward the 2020 limit and the 2050 limit.

26 (cf: P.L.2007, c.112, s.5)

27

28 4. Section 6 of P.L.2007, c.112 (C.26:2C-42) is amended to
29 read as follows:

30 6. a. The department, in consultation with the Board of Public
31 Utilities, the Department of Agriculture, the Department of
32 Transportation, and the Department of Community Affairs, shall
33 evaluate policies and measures that will enable the State to achieve
34 the 2020 limit, shall make specific recommendations on how to
35 achieve the emission reduction targets, including measures that
36 reduce emissions in all sectors of the economy including
37 transportation, housing, and consumer products, and shall evaluate
38 the economic benefits and costs of implementing these
39 recommendations. The department shall coordinate its evaluation
40 of greenhouse gas emission reduction policies and measures with
41 the work of the Energy Master Plan Committee established pursuant
42 to section 12 of P.L.1977, c.146 (C.52:27F-14).

43 b. No later than June 30, 2008, the department, and any other
44 State agencies, as appropriate, shall prepare a report recommending
45 the measures necessary to reduce greenhouse gas emissions to
46 achieve the 2020 limit. The report shall include specific
47 recommendations for legislative and regulatory action that will be
48 necessary to achieve the 2020 limit. The report shall be transmitted

1 to the Governor, to the State Treasurer, to the Legislature pursuant
2 to section 2 of P.L.1991, c.164 (C.52:14-19.1) and to the members
3 of the Senate Environment Committee and the Assembly
4 Environment and Solid Waste Committee.

5 c. No later than **【June 30, 2010】** one year after the effective
6 date of P.L. , c. (C.) (pending before the Legislature as this
7 bill), the department, and any other State agencies, as appropriate,
8 shall prepare a report recommending the measures necessary to
9 reduce greenhouse gas emissions to achieve the 2050 limit. The
10 report shall include specific recommendations for legislative and
11 regulatory action that will be necessary to achieve the 2050 limit.
12 The report shall also include recommendations for additional
13 policies and measures that will be required if the State is otherwise
14 expected to exceed the 2020 limit and any additional measures that
15 will be required to meet the 2050 limit. The report shall be
16 transmitted to the Governor, to the State Treasurer, to the
17 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1)
18 and to the members of the Senate Environment Committee and the
19 Assembly Environment and Solid Waste Committee.

20 d. The Energy Master Plan Committee shall include in its
21 adoption of the first update of the energy master plan completed
22 after the date of enactment of **【this act】** P.L.2007, c.112 (C.26:2C-
23 37 et al.), a list of recommended policies and measures to reduce
24 the emission of greenhouse gases from the production, processing,
25 distribution, transmission, storage, or use of energy that will
26 contribute to achieving the 2020 limit.

27 e. Nothing in **【this act】** P.L.2007, c.112 (C.26:2C-37 et al.)
28 shall impose any limit on the existing authority of the department,
29 the Board of Public Utilities, or any other State department or
30 agency to limit or regulate greenhouse gas emissions pursuant to
31 law.

32 (cf: P.L.2007, c.112, s.6)

33

34 5. Section 7 of P.L.2007, c.112 (C.26:2C-43) is amended to
35 read as follows:

36 7. a. No later than **【January 1, 2009】** 18 months after the
37 effective date of P.L. , c. (C.) (pending before the
38 Legislature as this bill), and biennially thereafter, the department
39 shall prepare and transmit, in writing, a report to the Governor, to
40 the State Treasurer, to the Legislature pursuant to section 2 of
41 P.L.1991, c.164 (C.52:14-19.1) and to the members of the Senate
42 Environment Committee and the Assembly Environment and Solid
43 Waste Committee, on the status of the greenhouse gas emissions
44 monitoring and reporting program established pursuant to **【this act】**
45 P.L.2007, c.112 (C.26:2C-37 et al.), the current level of greenhouse
46 gas emissions in the State and the progress made toward compliance
47 with the 2020 limit and the 2050 limit established pursuant to **【this**

1 act] P.L.2007, c.112 (C.26:2C-37 et al.). The report shall also
2 include updated and comparative inventories of Statewide
3 greenhouse gas emissions.

4 b. **[No later than January 1, 2015,]** As part of the reports
5 required pursuant to subsection a. of this section, the department
6 shall evaluate the ecological, economic, and environmental factors
7 and the technological capability affecting the attainment or
8 maintenance of the 2020 limit and the 2050 limit established
9 pursuant to this act.

10 (cf: P.L.2007, c.112, s.7)

11

12 6. (New section) a. No later than 18 months after the effective
13 date of P.L. , c. (C.) (pending before the Legislature as this
14 bill), the department shall develop a comprehensive strategy to
15 reduce emissions of short-lived climate pollutants in the State. In
16 developing the strategy, the department shall:

17 (1) complete an inventory of sources and emissions of short-
18 lived climate pollutants in the State based on available data;

19 (2) identify research needs to address any gaps in the data;

20 (3) identify existing and potential new control measures to
21 reduce emissions;

22 (4) prioritize the development of new measures to reduce short-
23 lived climate pollutants that offer co-benefits by improving water
24 quality or reducing other air pollutants that impact community
25 health and benefit disadvantaged communities, as identified by the
26 department; and

27 (5) coordinate with other State agencies and local government
28 units to develop measures identified as part of the strategy.

29 b. The department shall hold at least one public hearing during
30 the development of the strategy required pursuant to subsection a.
31 of this section to receive input from members of the academic
32 community, industry experts, and members of the public.

33 c. Nothing in this section shall be construed to limit the
34 existing authority of the department, the Board of Public Utilities,
35 or any other State department or agency to limit or regulate short-
36 lived climate pollutants pursuant to law.

37 d. As used in this section, "short-lived climate pollutant"
38 means a pollutant that has a relatively short lifespan in the
39 atmosphere, from a few days to a few decades, and has a warming
40 influence on the climate that is greater than that of carbon dioxide
41 and includes, but is not limited to, black carbon, fluorinated gases,
42 and methane.

43

44 7. This act shall take effect immediately.

STATEMENT

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This bill would establish new timeframes for the implementation of certain requirements in the “Global Warming Response Act” (GWRA), and require the Department of Environmental Protection (DEP) to adopt a strategy to reduce short-lived climate pollutants.

The Legislature enacted the GWRA in 2007 in order to help curb global climate change by establishing aggressive goals to reduce emissions of greenhouse gases in the State: to 1990 emissions levels by the year 2020, and to 80 percent below 2006 levels by 2050. The GWRA required the DEP to, among other things, adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program, prepare biennial reports on the status of this program, and make recommendations for legislative and regulatory action necessary to accomplish the 2050 goal for reductions in greenhouse gas emissions. Despite clear directive in the law, however, the DEP never fulfilled these requirements.

This bill would establish new timeframes for the completion of the Legislature’s directives in the GWRA. Specifically, within 18 months after the date of enactment of the bill, the DEP would be required to adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program. Additionally, within 18 months after the date of enactment, and biennially thereafter, the DEP would be required to prepare a report on the status of the greenhouse gas emissions monitoring and reporting program, the current level of greenhouse gas emissions in the State, and the progress made toward compliance with the goals established in the GWRA. Finally, within one year after the date of enactment, the bill would require the DEP to prepare a report recommending additional measures necessary to reduce greenhouse gas emissions to achieve the 2050 goal.

The bill would also require the State to develop a comprehensive strategy to reduce emissions of short-lived climate pollutants in the State. Short-lived climate pollutants, such as black carbon, fluorinated gases, and methane, are greenhouse gases that have a relatively short lifespan in the atmosphere, from a few days to a few decades, but that have a warming influence on the climate that is greater than that of carbon dioxide. Short-lived climate pollutants have a dramatic and detrimental effect on air quality, public health, and climate change, and reducing emissions of these pollutants can have an immediate beneficial impact on climate change and public health. The requirement to adopt a comprehensive strategy under this bill is based on legislation adopted and implemented in California.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]

SENATE, No. 3207

STATE OF NEW JERSEY

DATED: MAY 20, 2019

The Assembly Appropriations Committee reports favorably Senate Bill No. 3207 (2R).

Senate Bill No. 3207 (2R) establishes new timeframes for the implementation of certain requirements in the “Global Warming Response Act” (GWRA), and requires the Department of Environmental Protection (DEP) to adopt a strategy to reduce short-lived climate pollutants.

The Legislature enacted the GWRA in 2007 in order to help curb global climate change by establishing goals to reduce emissions of greenhouse gases in the State: to 1990 emissions levels by the year 2020, and to 80 percent below 2006 levels by 2050. The GWRA required the DEP to, among other things, adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program, prepare biennial reports on the status of this program, and make recommendations for legislative and regulatory action necessary to accomplish the 2050 goal for reductions in greenhouse gas emissions. Despite the directive in the law, however, the DEP did not fulfill the requirements.

This bill establishes new timeframes for the completion of the Legislature’s directives in the GWRA. Specifically, within 18 months after the date of enactment of the bill, the DEP is required to adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program. Additionally, within 18 months after the date of enactment, and biennially thereafter, the DEP is required to prepare a report on the status of the greenhouse gas emissions monitoring and reporting program, the current level of greenhouse gas emissions in the State, and the progress made toward compliance with the goals established in the GWRA. Finally, within one year after the date of enactment, the bill requires the DEP to prepare a report recommending additional measures necessary to reduce greenhouse gas emissions to achieve the 2050 goal.

The bill also requires the State to develop a comprehensive strategy to reduce emissions of short-lived climate pollutants in the State. Short-lived climate pollutants, such as black carbon, fluorinated gases, and methane, are greenhouse gases that have a relatively short lifespan in the atmosphere, from a few days to a few decades, but that

have a warming influence on the climate that is greater than that of carbon dioxide. The requirement to adopt a comprehensive strategy under this bill is based on legislation adopted and implemented in California.

As reported, this bill is identical to Assembly Bill No. 4821, as amended and reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates the bill would result in an indeterminate increase in annual State expenditures, since it imposes additional research, planning, and administrative responsibilities on the Department of Environmental Protection (DEP).

The bill requires the DEP to establish a program that monitors and reports annually on Statewide greenhouse gas emissions. The bill also requires the DEP to prepare biennial reports on the status of the program. These requirements would impose additional administrative burdens on the DEP, and may require hiring new staff.

The bill requires the DEP to prepare a report that recommends strategies to meet the 2050 goal for Statewide greenhouse emissions, which was established by the 2007 "Global Warming Response Act." This bill also requires the DEP to develop a strategy to reduce emissions of short-lived climate pollutants. These requirements would also impose additional administrative burdens on the DEP.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 3207

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2018

The Senate Environment and Energy Committee favorably reports Senate Bill No. 3207.

This bill would establish new timeframes for the implementation of certain requirements in the “Global Warming Response Act” (GWRA), and require the Department of Environmental Protection (DEP) to adopt a strategy to reduce short-lived climate pollutants.

The Legislature enacted the GWRA in 2007 in order to help curb global climate change by establishing goals to reduce emissions of greenhouse gases in the State: to 1990 emissions levels by the year 2020, and to 80 percent below 2006 levels by 2050. The GWRA required the DEP to, among other things, adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program, prepare biennial reports on the status of this program, and make recommendations for legislative and regulatory action necessary to accomplish the 2050 goal for reductions in greenhouse gas emissions. Despite the directive in the law, however, the DEP did not fulfill the requirements.

This bill would establish new timeframes for the completion of the Legislature’s directives in the GWRA. Specifically, within 18 months after the date of enactment of the bill, the DEP would be required to adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program. Additionally, within 18 months after the date of enactment, and biennially thereafter, the DEP would be required to prepare a report on the status of the greenhouse gas emissions monitoring and reporting program, the current level of greenhouse gas emissions in the State, and the progress made toward compliance with the goals established in the GWRA. Finally, within one year after the date of enactment, the bill would require the DEP to prepare a report recommending additional measures necessary to reduce greenhouse gas emissions to achieve the 2050 goal.

The bill would also require the State to develop a comprehensive strategy to reduce emissions of short-lived climate pollutants in the State. Short-lived climate pollutants, such as black carbon, fluorinated gases, and methane, are greenhouse gases that have a relatively short lifespan in the atmosphere, from a few days to a few decades, but that have a warming influence on the climate that is greater than that of carbon dioxide. The requirement to adopt a comprehensive strategy under this bill is based on legislation adopted and implemented in California.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 3207

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2019

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3207.

Senate Bill No. 3207 establishes new timeframes for the implementation of certain requirements in the “Global Warming Response Act” (GWRA), and requires the Department of Environmental Protection (DEP) to adopt a strategy to reduce short-lived climate pollutants.

The Legislature enacted the GWRA in 2007 in order to help curb global climate change by establishing goals to reduce emissions of greenhouse gases in the State: to 1990 emissions levels by the year 2020, and to 80 percent below 2006 levels by 2050. The GWRA required the DEP to, among other things, adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program, prepare biennial reports on the status of this program, and make recommendations for legislative and regulatory action necessary to accomplish the 2050 goal for reductions in greenhouse gas emissions. Despite the directive in the law, however, the DEP did not fulfill the requirements.

This bill establishes new timeframes for the completion of the Legislature’s directives in the GWRA. Specifically, within 18 months after the date of enactment of the bill, the DEP is required to adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program. Additionally, within 18 months after the date of enactment, and biennially thereafter, the DEP is required to prepare a report on the status of the greenhouse gas emissions monitoring and reporting program, the current level of greenhouse gas emissions in the State, and the progress made toward compliance with the goals established in the GWRA. Finally, within one year after the date of enactment, the bill requires the DEP to prepare a report recommending additional measures necessary to reduce greenhouse gas emissions to achieve the 2050 goal.

The bill also requires the State to develop a comprehensive strategy to reduce emissions of short-lived climate pollutants in the State. Short-lived climate pollutants, such as black carbon, fluorinated gases, and methane, are greenhouse gases that have a relatively short lifespan in the atmosphere, from a few days to a few decades, but that have a warming influence on the climate that is greater than that of carbon dioxide. The requirement to adopt a comprehensive strategy under this bill is based on legislation adopted and implemented in California.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates the bill would result in an indeterminate increase in annual State expenditures, since it imposes additional research, planning, and administrative responsibilities on the Department of Environmental Protection (DEP).

The bill requires the DEP to establish a program that monitors and reports annually on Statewide greenhouse gas emissions. The bill also requires the DEP to prepare biennial reports on the status of the program. These requirements would impose additional administrative burdens on the DEP, and may require hiring new staff.

The bill requires the DEP to prepare a report that recommends strategies to meet the 2050 goal for Statewide greenhouse emissions, which was established by the 2007 "Global Warming Response Act." This bill also requires the DEP to develop a strategy to reduce emissions of short-lived climate pollutants. These requirements would also impose additional administrative burdens on the DEP.

STATEMENT TO
SENATE, No. 3207

with Senate Floor Amendments
(Proposed by Senator B. SMITH)

ADOPTED: FEBRUARY 21, 2019

These floor amendments:

- 1) amend the findings and declarations section;
- 2) amend the definition of “greenhouse gas” to delete “black carbon” from the definition;
- 3) specify that the rules and regulations to be adopted by the DEP are to identify all significant sources of greenhouse gas emissions, including short-lived climate pollutants;
- 4) provide that the report to be prepared within a year after the bill is enacted into law is to be prepared by the DEP, in consultation with the Board of Public Utilities, and is to include measures necessary to reduce greenhouse gas emissions, including short-lived climate pollutants, to achieve the 2050 limit and any established interim benchmarks; and
- 5) delete section 6 of the bill which would have required the DEP to develop a comprehensive strategy to reduce emissions of short-lived climate pollutants in the State.

STATEMENT TO
[First Reprint]
SENATE, No. 3207

with Senate Floor Amendments
(Proposed by Senator B. SMITH)

ADOPTED: MARCH 14, 2109

These floor amendments would require the Department of Environmental Protection, no later than 18 months after preparing and transmitting the report required by subsection c. of section 6 of P.L.2007, c112 (C.26:2C-42), to adopt rules and regulations establishing (1) interim benchmarks necessary to achieve the 2050 limit, and (2) measures necessary to achieve the 2050 limit and the established interim benchmarks.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 3207
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: FEBRUARY 7, 2019

SUMMARY

Synopsis: Establishes new timeframes for implementation of certain requirements in “Global Warming Response Act”; requires DEP to adopt strategy to reduce short-lived climate pollutants.

Type of Impact: Annual expenditure increase from the General Fund.

Agencies Affected: Department of Environmental Protection.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Expenditure Increase		Indeterminate.	

- The Office of Legislative Services (OLS) estimates the bill would result in an indeterminate increase in annual State expenditures, since it imposes additional research, planning, and administrative responsibilities on the Department of Environmental Protection (DEP).
- The bill requires the DEP to establish a program that monitors and reports annually on Statewide greenhouse gas emissions. The bill also requires the DEP to prepare biennial reports on the status of the program. These requirements would impose additional administrative burdens on the DEP, and may require hiring new staff.
- The bill requires the DEP to prepare a report that recommends strategies to meet the 2050 goal for Statewide greenhouse emissions, which was established by the 2007 "Global Warming Response Act." This bill also requires the DEP to develop a strategy to reduce emissions of short-lived climate pollutants. These requirements would also impose additional administrative burdens on the DEP.

BILL DESCRIPTION

This bill would establish new timeframes for the implementation of certain requirements in the “Global Warming Response Act” (GWRA), and require the DEP to adopt a strategy to reduce short-lived climate pollutants.

This bill would establish new timeframes for the completion of the Legislature's directives in the GWRA. The GWRA required the DEP to, among other things, adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program, prepare biennial reports on the status of this program, and make recommendations for legislative and regulatory action necessary to accomplish the 2050 goal for reductions in greenhouse gas emissions.

Under this bill, within 18 months after the date of enactment of the bill into law, the DEP would be required to adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program. In addition, within 18 months after the date of enactment, and biennially thereafter, the DEP would be required to prepare a report on the status of the greenhouse gas emissions monitoring and reporting program, the current level of greenhouse gas emissions in the State, and the progress made toward compliance with the goals established in the GWRA. The bill would also require the DEP, within one year after the date of enactment, to prepare a report recommending additional measures necessary to reduce greenhouse gas emissions to achieve the 2050 goal.

Lastly, the bill would also require the State to develop a comprehensive strategy to reduce emissions of short-lived climate pollutants in the State.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the bill will result in an indeterminate increase in annual State expenditures. The OLS cannot quantify this increase due to the unavailability of pertinent information.

The bill requires the DEP to establish a new program to monitor and report greenhouse gas emissions in the State. The costs of this program are difficult to estimate, because the DEP might implement this program in a variety of different ways. It might develop regulations to require emitters of greenhouse gases to measure and report emissions, which could likely be achieved using existing staff. Alternatively, the DEP might choose to collect and process data from a wider variety of sources, which would likely require hiring new full-time staff members.

The bill also requires the DEP to adopt rules and regulations to establish the program, and to prepare biennial reports on its status. Without information from the DEP, the OLS cannot determine whether it has sufficient staff and resources to perform the additional administrative duties.

In addition, the bill requires the DEP to prepare a report that recommends strategies to meet the 2050 goal for Statewide greenhouse emissions. The costs of this report could vary widely depending on the depth of the study that the DEP chooses to undertake. A comprehensive study that examined policy options for achieving reductions in greenhouse gas emissions was completed in 2017 by Rutgers University, and was estimated to cost approximately \$250,000. That study, however, did not examine the economic impact of the policies, nor whether the policies, if implemented, would result in achievement of the 2050 goals, both of which are required by the report mandated by the bill. On the other hand, the DEP recently released a brief report entitled "2050 GHG Emissions Scenarios Report Online," which analyzed four different

scenarios related to prospective greenhouse gas emissions, so it may have the capacity to produce the report required by the bill using existing staff and resources.

Finally, the bill requires the DEP to develop a strategy to reduce emissions of short-lived climate pollutants. Again, the costs of developing this strategy could vary depending on the approach that DEP chooses to take. Without information from the DEP, the OLS cannot determine whether it has sufficient staff and resources to handle this additional requirement.

Section: Environment, Agriculture, and Natural Resources

*Analyst: Eric Hansen
Assistant Research Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 3207

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: MARCH 8, 2019

SUMMARY

- Synopsis:** Establishes new timeframes for implementation of, and revises, certain requirements in "Global Warming Response Act."
- Type of Impact:** Annual expenditure increase from the General Fund.
- Agencies Affected:** Department of Environmental Protection; Board of Public Utilities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Expenditure Increase		Indeterminate	

- The Office of Legislative Services (OLS) estimates that bill will result in an indeterminate increase in annual State expenditures, since it imposes additional research, planning, and administrative responsibilities on the Department of Environmental Protection (DEP) and the Board of Public Utilities (BPU).
- The bill requires the DEP to establish a program that monitors and reports annually on Statewide greenhouse gas emissions. The bill also requires the DEP to prepare biennial reports on the status of the program. These requirements would impose additional administrative tasks on the DEP, and may require hiring new staff.
- The bill requires the DEP, in consultation with BPU, to prepare a report that recommends strategies to meet the 2050 goal for Statewide greenhouse emissions, which was established by the 2007 "Global Warming Response Act" (GWRA). This requirement would impose additional administrative tasks on the DEP and BPU.

BILL DESCRIPTION

This bill would establish new timeframes for the implementation of, and revise, certain requirements in the GWRA.

The GWRA required the DEP to, among other things, adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program, prepare biennial reports on the status of this program, and make recommendations for legislative and regulatory action necessary to accomplish the 2050 goal for reductions in greenhouse gas emissions.

Under this bill, within 18 months after the date of enactment of the bill into law, the DEP would be required to adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program. These rules and regulations are to identify all significant sources of Statewide greenhouse gas emissions including short-lived climate pollutants, and provide for, but need not be limited to, the following: (1) monitoring and reporting of existing emissions and changes in emissions over time from the sources identified by the department; (2) reporting the levels of those emissions and changes in those emissions levels annually; and (3) monitoring progress toward the 2020 limit and the 2050 limit and any interim limits.

The bill would require, no later than one year after the bill is enacted into law, the DEP, in consultation with BPU, and any other State agencies, as appropriate, to prepare a report recommending the measures necessary to reduce greenhouse gas emissions, including short-lived climate pollutants, to achieve the 2050 limit. The report is to include specific recommendations for legislative and regulatory action that will be necessary to achieve the 2050 limit and any established interim benchmarks.

In addition, within 18 months after the date of enactment, and biennially thereafter, the DEP would be required to prepare a report on the status of the greenhouse gas emissions monitoring and reporting program, the current level of greenhouse gas emissions in the State, and the progress made toward compliance with the goals established in the GWRA.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the bill will result in an indeterminate increase in annual State expenditures. The OLS cannot quantify this increase due to the unavailability of pertinent information.

The bill requires the DEP to establish a new program to monitor and report greenhouse gas emissions in the State. The costs of this program are difficult to estimate, because the DEP might implement this program in a variety of different ways. The DEP might develop regulations to require emitters of greenhouse gases to measure and report emissions, which could likely be achieved using existing staff. Alternatively, the DEP might choose to collect and process data from a wider variety of sources, which would likely require hiring new full-time staff members. The bill also requires the DEP to adopt rules and regulations to establish the program, and to prepare biennial reports on its status. This will impose additional administrative duties on the DEP, which could likely be accomplished with existing staff.

The bill also requires the DEP, in consultation with BPU, to prepare a report that recommends strategies to meet the 2050 goal for Statewide greenhouse emissions. The costs of this report could vary widely depending on the depth of the study that the DEP chooses to undertake. A comprehensive study that examined policy options for achieving reductions in

greenhouse gas emissions was completed in 2017 by Rutgers University, and was estimated to cost approximately \$250,000. That study, however, did not examine whether the policies, if implemented, would result in achievement of the 2050 goal as well as any interim goals, which is required by the report mandated in the bill. On the other hand, the DEP recently released a report entitled "2050 GHG Emissions Scenarios Report Online," which analyzed four different scenarios related to prospective greenhouse gas emissions, so it may have the capacity to produce a basic report that fulfills the bill's requirements using existing staff and resources.

Section: Environment, Agriculture, and Natural Resources

*Analyst: Eric Hansen
Assistant Research Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 3207

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: MARCH 29, 2019

SUMMARY

- Synopsis:** Establishes new timeframes for implementation of, and revises, certain requirements in "Global Warming Response Act."
- Type of Impact:** Annual expenditure increase from the General Fund.
- Agencies Affected:** Department of Environmental Protection; Board of Public Utilities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Expenditure Increase		Indeterminate	

- The Office of Legislative Services (OLS) estimates that bill will result in an indeterminate increase in annual State expenditures, since it imposes additional research, planning, and administrative responsibilities on the Department of Environmental Protection (DEP) and the Board of Public Utilities (BPU).
- The bill requires the DEP to establish a program that monitors and reports annually on Statewide greenhouse gas emissions. The bill also requires the DEP to prepare biennial reports on the status of the program. These requirements would impose additional administrative tasks on the DEP, and may require hiring new staff.
- The bill requires the DEP, in consultation with BPU, to prepare a report that recommends strategies to meet the 2050 goal for Statewide greenhouse emissions, which was established by the 2007 "Global Warming Response Act" (GWRA). This requirement would impose additional administrative tasks on the DEP and BPU.
- The bill requires the DEP to prepare rules and regulations establishing interim benchmarks necessary to meet the 2050 limit and measures necessary to achieve such benchmarks and the 2050 limit. This requirement would impose additional administrative tasks on the DEP.

BILL DESCRIPTION

This bill would establish new timeframes for the implementation of, and revise, certain requirements in the GWRA.

The GWRA required the DEP to, among other things, adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program, prepare biennial reports on the status of this program, and make recommendations for legislative and regulatory action necessary to accomplish the 2050 goal for reductions in greenhouse gas emissions.

Under this bill, within 18 months after the date of enactment of the bill into law, the DEP would be required to adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program. These rules and regulations are to identify all significant sources of Statewide greenhouse gas emissions including short-lived climate pollutants, and provide for, but need not be limited to, the following: (1) monitoring and reporting of existing emissions and changes in emissions over time from the sources identified by the department; (2) reporting the levels of those emissions and changes in those emissions levels annually; and (3) monitoring progress toward the 2020 limit and the 2050 limit and any interim limits.

The bill would require, no later than one year after the bill is enacted into law, the DEP, in consultation with BPU, and any other State agencies, as appropriate, to prepare a report recommending the measures necessary to reduce greenhouse gas emissions, including short-lived climate pollutants, to achieve the 2050 limit. The report is to include specific recommendations for legislative and regulatory action that will be necessary to achieve the 2050 limit and any established interim benchmarks. The bill would also require the DEP, no later than 18 months after submitting this report, to adopt rules and regulations that implement the report's recommendations, by establishing (1) interim benchmarks necessary to achieve the 2050 limit, and (2) measures necessary to achieve the 2050 limit and the established interim benchmarks.

In addition, within 18 months after the date of enactment, and biennially thereafter, the DEP would be required to prepare a report on the status of the greenhouse gas emissions monitoring and reporting program, the current level of greenhouse gas emissions in the State, and the progress made toward compliance with the goals established in the GWRA.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the bill will result in an indeterminate increase in annual State expenditures. The OLS cannot quantify this increase due to the unavailability of pertinent information.

The bill requires the DEP to establish a new program to monitor and report greenhouse gas emissions in the State. The costs of this program are difficult to estimate, because the DEP might implement this program in a variety of different ways. The DEP might develop regulations to require emitters of greenhouse gases to measure and report emissions, which could likely be achieved using existing staff. Alternatively, the DEP might choose to collect and process data from a wider variety of sources, which would likely require hiring new full-time

staff members. The bill also requires the DEP to adopt rules and regulations to establish the program, and to prepare biennial reports on its status. This will impose additional administrative duties on the DEP, which could likely be accomplished with existing staff.

The bill also requires the DEP, in consultation with BPU, to prepare a report that recommends strategies to meet the 2050 goal for Statewide greenhouse emissions. The costs of this report could vary widely depending on the depth of the study that the DEP chooses to undertake. A comprehensive study that examined policy options for achieving reductions in greenhouse gas emissions was completed in 2017 by Rutgers University, and was estimated to cost approximately \$250,000. That study, however, did not examine whether the policies, if implemented, would result in achievement of the 2050 goal as well as any interim goals, which is required by the report mandated in the bill. On the other hand, the DEP recently released a report entitled "2050 GHG Emissions Scenarios Report Online," which analyzed four different scenarios related to prospective greenhouse gas emissions, so it may have the capacity to produce a basic report that fulfills the bill's requirements using existing staff and resources.

Finally, the bill requires the DEP to adopt rules and regulations that implement the recommendations of this report, by establishing interim greenhouse-gas-emission benchmarks and measures necessary to achieve these benchmarks and the 2050 goal. This rulemaking process will add to the DEP's administrative workload and may result in a marginal one-time expenditure increase approximately 30 months after the effective date of the bill.

Section: Environment, Agriculture, Energy and Natural Resources

*Analyst: Eric Hansen
Assistant Research Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 4821

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED DECEMBER 17, 2018

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Assemblyman JAMES J. KENNEDY

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

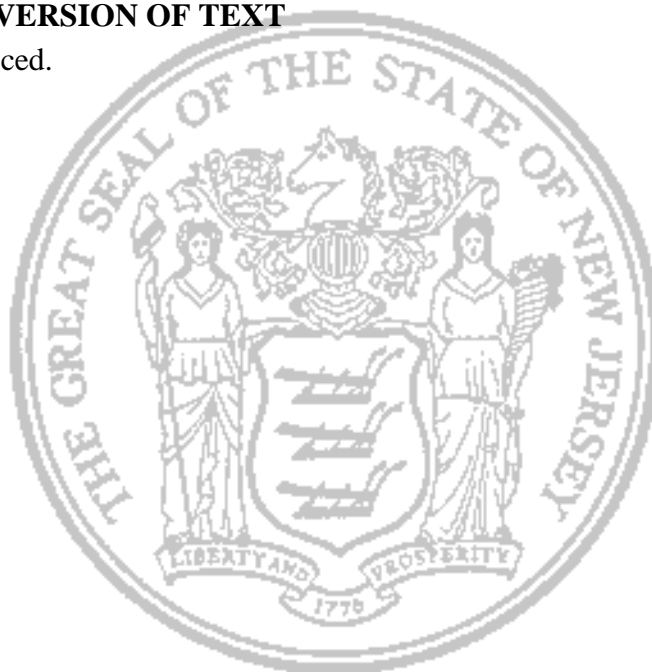
Assemblymen Benson, Johnson and Zwicker

SYNOPSIS

Establishes new timeframes for implementation of certain requirements in “Global Warming Response Act”; requires DEP to adopt strategy to reduce short-lived climate pollutants.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/8/2019)

1 AN ACT concerning the reduction of greenhouse gases and
2 amending and supplementing P.L.2007, c.112.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.2007, c.112 (C.26:2C-38) is amended to
8 read as follows:

9 2. The Legislature finds and declares that, internationally, the
10 issue of global warming has caused alarm, awareness, and action
11 concerning climate changes occurring around the globe attributed to
12 the high level of certain gases called "greenhouse gases" - gases
13 that increase temperatures in the atmosphere and the risk of
14 catastrophic changes to the Earth's ecosystems and environment;
15 that, while this global warming may be a theory to some, the effects
16 of increasing levels of greenhouse gases in the atmosphere are
17 accepted by **[many]** all respected scientists and **[members]** the vast
18 majority of the international community as seriously detrimental to
19 the ecosystems and environment of the world; that, ultimately, if
20 steps are not taken to reverse these trends, the effects on human,
21 animal and plant life on Earth may be catastrophic; that solutions
22 exist to halt the increasing of greenhouse gases in the atmosphere
23 and reduce these emissions; that, as a global issue, each country and
24 region within a country must do its part to reduce these greenhouse
25 gases that threaten the globe; and that, as a State, there are specific
26 actions that can be taken to attack the problem of global warming,
27 through reductions of greenhouse gas emissions in the State and
28 participation in regional and interstate initiatives to reduce these
29 emissions regionally, nationally, and internationally.

30 The Legislature further finds and declares that, while carbon
31 dioxide is the most abundant greenhouse gas, other greenhouse
32 gases known as short-lived climate pollutants, including black
33 carbon, fluorinated gases, and methane, create a warming influence
34 on the climate that is many times more potent than that of carbon
35 dioxide, and have a dramatic and detrimental effect on air quality,
36 public health, and climate change; and that reducing emissions of
37 these pollutants can have an immediate beneficial impact on climate
38 change and public health.

39 The Legislature therefore finds and declares that it is in the
40 public interest to establish a greenhouse gas emissions reduction
41 program to limit the level of Statewide greenhouse gas emissions,
42 and greenhouse gas emissions from electricity generated outside the
43 State but consumed in the State, to the 1990 level or below, of those
44 emissions by the year 2020, and to reduce those emissions to 80
45 **[%]** percent below the 2006 level by the year 2050 , and to develop

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 a comprehensive strategy to reduce emissions of short-lived climate
2 pollutants in the State.

3 (cf: P.L.2007, c.112, s.2)

4

5 2. Section 3 of P.L.2007, c.112 (C.26:2C-39) is amended to
6 read as follows:

7 3. For the purposes of **【this act】** P.L.2007, c.112 (C.26:2C-37
8 et al.):

9 “Department” means the Department of Environmental
10 Protection.

11 “Greenhouse gas” means carbon dioxide, black carbon, methane,
12 nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur
13 hexafluoride, and any other gas or substance determined by the
14 Department of Environmental Protection to be a significant
15 contributor to the problem of global warming.

16 “Statewide greenhouse gas emissions” means the sum of
17 calendar year emissions of greenhouse gases from all sources within
18 the State, and from electricity generated outside the State but
19 consumed in the State, as determined by the department pursuant to
20 subsection c. of section 5 of **【this act】** P.L.2007, c.112 (C.26:2C-37
21 et al.).

22 “2020 limit” means the level of greenhouse gas emissions equal
23 to the 1990 level of Statewide greenhouse gas emissions.

24 “2050 limit” means the level of greenhouse gas emissions equal
25 to 80 percent less than the 2006 level of Statewide greenhouse gas
26 emissions.

27 (cf: P.L.2007, c.112, s.3)

28

29 3. Section 5 of P.L.2007, c.112 (C.26:2C-41) is amended to
30 read as follows:

31 5. a. No later than **【January 1, 2009】** 18 months after the
32 effective date of P.L. , c. (C.) (pending before the
33 Legislature as this bill), the department shall adopt, pursuant to the
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
35 seq.), rules and regulations establishing a greenhouse gas emissions
36 monitoring and reporting program to monitor and report Statewide
37 greenhouse gas emissions.

38 b. The rules and regulations adopted pursuant to subsection a.
39 of this section shall identify all significant sources of Statewide
40 greenhouse gas emissions and shall provide for, but need not be
41 limited to, the following:

42 (1) monitoring and reporting of existing emissions and changes
43 in emissions over time from the sources identified by the
44 department;

45 (2) reporting the levels of those emissions and changes in those
46 emissions levels annually, commencing **【on January 1, 2009】** 18
47 months after the effective date of P.L. , c. (C.) (pending
48 before the Legislature as this bill); and

1 (3) monitoring progress toward the 2020 limit and the 2050
2 limit.

3 c. Pursuant to the rules and regulations adopted pursuant to
4 subsection a. of this section, the department shall require reporting
5 of the greenhouse gas emissions:

6 (1) associated with fossil fuels used in the State, as reported by
7 entities that are manufacturers and distributors of fossil fuels, which
8 may include, but need not be limited to, oil refineries, oil storage
9 facilities, natural gas pipelines, and fuel wholesale and retail
10 distributors;

11 (2) from any entity generating electricity in the State and from
12 any entity that generates electricity outside the State that is
13 delivered for end use in the State. With respect to electricity
14 generated outside the State and imported into the State, the
15 department shall determine the emissions from that generation by
16 subtracting the kilowatt-hours of electricity generated in the State
17 from the kilowatt-hours of electricity consumed in the State, and
18 multiplying the difference by a default emissions rate determined by
19 the department;

20 (3) from any gas public utility as defined in section 3 of
21 P.L.1999, c.23 (C.48:3-51); and

22 (4) from any additional entities that are significant emitters of
23 greenhouse gases, as determined by the department, and as
24 appropriate to enable the department to monitor compliance with
25 progress toward the 2020 limit and the 2050 limit.

26 (cf: P.L.2007, c.112, s.5)

27

28 4. Section 6 of P.L.2007, c.112 (C.26:2C-42) is amended to
29 read as follows:

30 6. a. The department, in consultation with the Board of Public
31 Utilities, the Department of Agriculture, the Department of
32 Transportation, and the Department of Community Affairs, shall
33 evaluate policies and measures that will enable the State to achieve
34 the 2020 limit, shall make specific recommendations on how to
35 achieve the emission reduction targets, including measures that
36 reduce emissions in all sectors of the economy including
37 transportation, housing, and consumer products, and shall evaluate
38 the economic benefits and costs of implementing these
39 recommendations. The department shall coordinate its evaluation
40 of greenhouse gas emission reduction policies and measures with
41 the work of the Energy Master Plan Committee established pursuant
42 to section 12 of P.L.1977, c.146 (C.52:27F-14).

43 b. No later than June 30, 2008, the department, and any other
44 State agencies, as appropriate, shall prepare a report recommending
45 the measures necessary to reduce greenhouse gas emissions to
46 achieve the 2020 limit. The report shall include specific
47 recommendations for legislative and regulatory action that will be
48 necessary to achieve the 2020 limit. The report shall be transmitted
49 to the Governor, to the State Treasurer, to the Legislature pursuant

1 to section 2 of P.L.1991, c.164 (C.52:14-19.1) and to the members
2 of the Senate Environment Committee and the Assembly
3 Environment and Solid Waste Committee.

4 c. No later than **【June 30, 2010】** one year after the effective
5 date of P.L. , c. (C.) (pending before the Legislature as this
6 bill), the department, and any other State agencies, as appropriate,
7 shall prepare a report recommending the measures necessary to
8 reduce greenhouse gas emissions to achieve the 2050 limit. The
9 report shall include specific recommendations for legislative and
10 regulatory action that will be necessary to achieve the 2050 limit.
11 The report shall also include recommendations for additional
12 policies and measures that will be required if the State is otherwise
13 expected to exceed the 2020 limit and any additional measures that
14 will be required to meet the 2050 limit. The report shall be
15 transmitted to the Governor, to the State Treasurer, to the
16 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1)
17 and to the members of the Senate Environment Committee and the
18 Assembly Environment and Solid Waste Committee.

19 d. The Energy Master Plan Committee shall include in its
20 adoption of the first update of the energy master plan completed
21 after the date of enactment of **【this act】** P.L.2007, c.112 (C.26:2C-
22 37 et al.), a list of recommended policies and measures to reduce
23 the emission of greenhouse gases from the production, processing,
24 distribution, transmission, storage, or use of energy that will
25 contribute to achieving the 2020 limit.

26 e. Nothing in **【this act】** P.L.2007, c.112 (C.26:2C-37 et al.)
27 shall impose any limit on the existing authority of the department,
28 the Board of Public Utilities, or any other State department or
29 agency to limit or regulate greenhouse gas emissions pursuant to
30 law.

31 (cf: P.L.2007, c.112, s.6)

32

33 5. Section 7 of P.L.2007, c.112 (C.26:2C-43) is amended to
34 read as follows:

35 7. a. No later than **【January 1, 2009】** 18 months after the
36 effective date of P.L. , c. (C.) (pending before the
37 Legislature as this bill), and biennially thereafter, the department
38 shall prepare and transmit, in writing, a report to the Governor, to
39 the State Treasurer, to the Legislature pursuant to section 2 of
40 P.L.1991, c.164 (C.52:14-19.1) and to the members of the Senate
41 Environment Committee and the Assembly Environment and Solid
42 Waste Committee, on the status of the greenhouse gas emissions
43 monitoring and reporting program established pursuant to **【this act】**
44 P.L.2007, c.112 (C.26:2C-37 et al.), the current level of greenhouse
45 gas emissions in the State and the progress made toward compliance
46 with the 2020 limit and the 2050 limit established pursuant to **【this**
47 **act】** P.L.2007, c.112 (C.26:2C-37 et al.). The report shall also

1 include updated and comparative inventories of Statewide
2 greenhouse gas emissions.

3 b. **[No later than January 1, 2015,]** As part of the reports
4 required pursuant to subsection a. of this section, the department
5 shall evaluate the ecological, economic, and environmental factors
6 and the technological capability affecting the attainment or
7 maintenance of the 2020 limit and the 2050 limit established
8 pursuant to this act.

9 (cf: P.L.2007, c.112, s.7)

10

11 6. (New section) a. No later than 18 months after the effective
12 date of P.L. , c. (C.) (pending before the Legislature as this
13 bill), the department shall develop a comprehensive strategy to
14 reduce emissions of short-lived climate pollutants in the State. In
15 developing the strategy, the department shall:

16 (1) complete an inventory of sources and emissions of short-
17 lived climate pollutants in the State based on available data;

18 (2) identify research needs to address any gaps in the data;

19 (3) identify existing and potential new control measures to
20 reduce emissions;

21 (4) prioritize the development of new measures to reduce short-
22 lived climate pollutants that offer co-benefits by improving water
23 quality or reducing other air pollutants that impact community
24 health and benefit disadvantaged communities, as identified by the
25 department; and

26 (5) coordinate with other State agencies and local government
27 units to develop measures identified as part of the strategy.

28 b. The department shall hold at least one public hearing during
29 the development of the strategy required pursuant to subsection a.
30 of this section to receive input from members of the academic
31 community, industry experts, and members of the public.

32 c. Nothing in this section shall be construed to limit the
33 existing authority of the department, the Board of Public Utilities,
34 or any other State department or agency to limit or regulate short-
35 lived climate pollutants pursuant to law.

36 d. As used in this section, “short-lived climate pollutant”
37 means a pollutant that has a relatively short lifespan in the
38 atmosphere, from a few days to a few decades, and has a warming
39 influence on the climate that is greater than that of carbon dioxide
40 and includes, but is not limited to, black carbon, fluorinated gases,
41 and methane.

42

43 7. This act shall take effect immediately.

44

45

46

STATEMENT

47

48 This bill would establish new timeframes for the implementation
49 of certain requirements in the “Global Warming Response Act”

1 (GWRA), and require the Department of Environmental Protection
2 (DEP) to adopt a strategy to reduce short-lived climate pollutants.

3 The Legislature enacted the GWRA in 2007 in order to help curb
4 global climate change by establishing aggressive goals to reduce
5 emissions of greenhouse gases in the State: to 1990 emissions levels
6 by the year 2020, and to 80 percent below 2006 levels by 2050.
7 The GWRA required the DEP to, among other things, adopt rules
8 and regulations establishing a greenhouse gas emissions monitoring
9 and reporting program, prepare biennial reports on the status of this
10 program, and make recommendations for legislative and regulatory
11 action necessary to accomplish the 2050 goal for reductions in
12 greenhouse gas emissions. Despite clear directive in the law,
13 however, the DEP never fulfilled these requirements.

14 This bill would establish new timeframes for the completion of
15 the Legislature's directives in the GWRA. Specifically, within 18
16 months after the date of enactment of the bill, the DEP would be
17 required to adopt rules and regulations establishing a greenhouse
18 gas emissions monitoring and reporting program. Additionally,
19 within 18 months after the date of enactment, and biennially
20 thereafter, the DEP would be required to prepare a report on the
21 status of the greenhouse gas emissions monitoring and reporting
22 program, the current level of greenhouse gas emissions in the State,
23 and the progress made toward compliance with the goals
24 established in the GWRA. Finally, within one year after the date of
25 enactment, the bill would require the DEP to prepare a report
26 recommending additional measures necessary to reduce greenhouse
27 gas emissions to achieve the 2050 goal.

28 The bill would also require the State to develop a comprehensive
29 strategy to reduce emissions of short-lived climate pollutants in the
30 State. Short-lived climate pollutants, such as black carbon,
31 fluorinated gases, and methane, are greenhouse gases that have a
32 relatively short lifespan in the atmosphere, from a few days to a few
33 decades, but that have a warming influence on the climate that is
34 greater than that of carbon dioxide. Short-lived climate pollutants
35 have a dramatic and detrimental effect on air quality, public health,
36 and climate change, and reducing emissions of these pollutants can
37 have an immediate beneficial impact on climate change and public
38 health. The requirement to adopt a comprehensive strategy under
39 this bill is based on legislation adopted and implemented in
40 California.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4821

STATE OF NEW JERSEY

DATED: JANUARY 24, 2019

The Assembly Environment and Solid Waste Committee reports favorably Assembly Bill No. 4821.

This bill would establish new timeframes for the implementation of certain requirements in the “Global Warming Response Act” (GWRA), and require the Department of Environmental Protection (DEP) to adopt a strategy to reduce short-lived climate pollutants.

This bill would establish new timeframes for the completion of the Legislature’s directives in the GWRA. The GWRA required the DEP to, among other things, adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program, prepare biennial reports on the status of this program, and make recommendations for legislative and regulatory action necessary to accomplish the 2050 goal for reductions in greenhouse gas emissions.

Under this bill, within 18 months after the date of enactment of the bill into law, the DEP would be required to adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program. In addition, within 18 months after the date of enactment, and biennially thereafter, the DEP would be required to prepare a report on the status of the greenhouse gas emissions monitoring and reporting program, the current level of greenhouse gas emissions in the State, and the progress made toward compliance with the goals established in the GWRA. The bill would also require the DEP, within one year after the date of enactment, to prepare a report recommending additional measures necessary to reduce greenhouse gas emissions to achieve the 2050 goal.

Lastly, the bill would also require the State to develop a comprehensive strategy to reduce emissions of short-lived climate pollutants in the State.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4821

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 20, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4821, with committee amendments.

Assembly Bill No. 4821, as amended by the committee, establishes new timeframes for the implementation of, and revises, certain requirements in the “Global Warming Response Act” (GWRA).

The GWRA required the Department of Environmental Protection (DEP) to, among other things, adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program, prepare biennial reports on the status of this program, and make recommendations for legislative and regulatory action necessary to accomplish the 2050 limit for reductions in greenhouse gas emissions. This bill establishes new timeframes for the completion of the Legislature’s directives in the GWRA.

Specifically, within 18 months after the date of enactment of the bill, the DEP is required to adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program. These rules would identify all significant sources of greenhouse gas emissions, including short-lived climate pollutants.

In addition, within one year after the date of enactment, the bill requires the DEP to prepare a report recommending additional measures necessary to reduce greenhouse gas emissions, including short-lived climate pollutants, to achieve the 2050 limit. No later than 18 months after preparing and transmitting this report, the bill requires the DEP to adopt rules and regulations establishing (1) interim benchmarks necessary to achieve the 2050 limit, and (2) measures necessary to achieve the 2050 limit and the established interim benchmarks.

Lastly, within 18 months after the date of enactment, and biennially thereafter, the DEP is required to prepare a report on the status of the greenhouse gas emissions monitoring and reporting program, the current level of greenhouse gas emissions in the State, and the progress made toward compliance with the 2020 and 2050 limits established in the GWRA.

As amended and reported by the committee, this bill is identical to Senate Bill No. 3207 (2R), also reported by the committee on this date.

COMMITTEE AMENDMENTS

These committee amendments to the bill:

- 1) amend the findings and declarations section;
- 2) amend the definition of “greenhouse gas” to delete “black carbon” from the definition;
- 3) specify that the rules and regulations to be adopted by the DEP are to identify all significant sources of greenhouse gas emissions, including short-lived climate pollutants;
- 4) require the DEP, no later than 18 months after preparing and transmitting the report required by subsection c. of section 6 of P.L.2007, c.112 (C.26:2C-42), to adopt rules and regulations establishing interim benchmarks necessary to achieve the 2050 limit, and measures necessary to achieve the 2050 limit and the established interim benchmarks;
- 5) provide that the report to be prepared within a year after the bill is enacted into law is to be prepared by the DEP in consultation with the Board of Public Utilities, and is to include measures necessary to reduce greenhouse gas emissions, including short-lived climate pollutants, to achieve the 2050 limit and any established interim benchmarks; and
- 6) delete section 6 of the bill which would have required the DEP to develop a comprehensive strategy to reduce emissions of short-lived climate pollutants in the State.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates the bill would result in an indeterminate increase in annual State expenditures, since it imposes additional research, planning, and administrative responsibilities in the Department of Environmental Protection (DEP).

The bill requires the DEP to establish a program that monitors and reports annually on Statewide greenhouse gas emissions. The bill also requires the DEP to prepare biennial reports on the status of the program. These requirements would impose additional administrative burdens on the DEP, and may require the hiring of new staff.

The bill requires the DEP to prepare a report that recommends strategies to meet the 2050 goal for greenhouse gas emissions, which was established by the 2007 “Global Warming Response Act. This bill also requires the DEP to develop a strategy to reduce emissions of short-lived climate pollutants. These requirements would also impose additional administrative burdens on the DEP.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 4821

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: MAY 29, 2019

SUMMARY

- Synopsis:** Establishes new timeframes for implementation of, and revises, certain requirements in "Global Warming Response Act."
- Type of Impact:** Annual expenditure increase from the General Fund.
- Agencies Affected:** Department of Environmental Protection; Board of Public Utilities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Expenditure Increase		Indeterminate	

- The Office of Legislative Services (OLS) estimates that bill will result in an indeterminate increase in annual State expenditures, since it imposes additional research, planning, and administrative responsibilities on the Department of Environmental Protection (DEP) and the Board of Public Utilities (BPU).
- The bill requires the DEP to establish a program that monitors and reports annually on Statewide greenhouse gas emissions. The bill also requires the DEP to prepare biennial reports on the status of the program. These requirements would impose additional administrative tasks on the DEP, and may require hiring new staff.
- The bill requires the DEP, in consultation with BPU, to prepare a report that recommends strategies to meet the 2050 goal for Statewide greenhouse emissions, which was established by the 2007 "Global Warming Response Act" (GWRA). This requirement would impose additional administrative tasks on the DEP and BPU.
- The bill requires the DEP to prepare rules and regulations establishing interim benchmarks necessary to meet the 2050 limit and measures necessary to achieve such benchmarks and the 2050 limit. This requirement would impose additional administrative tasks on the DEP.

BILL DESCRIPTION

This bill would establish new timeframes for the implementation of, and revise, certain requirements in the GWRA.

The GWRA required the DEP to, among other things, adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program, prepare biennial reports on the status of this program, and make recommendations for legislative and regulatory action necessary to accomplish the 2050 goal for reductions in greenhouse gas emissions.

Under this bill, within 18 months after the date of enactment of the bill into law, the DEP would be required to adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program. These rules and regulations are to identify all significant sources of Statewide greenhouse gas emissions including short-lived climate pollutants, and provide for, but need not be limited to, the following: (1) monitoring and reporting of existing emissions and changes in emissions over time from the sources identified by the department; (2) reporting the levels of those emissions and changes in those emissions levels annually; and (3) monitoring progress toward the 2020 limit and the 2050 limit and any interim limits.

The bill would require, no later than one year after the bill is enacted into law, the DEP, in consultation with BPU and any other State agencies as appropriate, to prepare a report recommending the measures necessary to reduce greenhouse gas emissions, including short-lived climate pollutants, to achieve the 2050 limit. The report is to include specific recommendations for legislative and regulatory action that will be necessary to achieve the 2050 limit and any established interim benchmarks. The bill would also require the DEP, no later than 18 months after submitting this report, to adopt rules and regulations that implement the report's recommendations by establishing (1) interim benchmarks necessary to achieve the 2050 limit and (2) measures necessary to achieve the 2050 limit and the established interim benchmarks.

In addition, within 18 months after the date of enactment, and biennially thereafter, the DEP would be required to prepare a report on the status of the greenhouse gas emissions monitoring and reporting program, the current level of greenhouse gas emissions in the State, and the progress made toward compliance with the goals established in the GWRA.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the bill will result in an indeterminate increase in annual State expenditures. The OLS cannot quantify this increase due to the unavailability of pertinent information.

The bill requires the DEP to establish a new program to monitor and report greenhouse gas emissions in the State. The costs of this program are difficult to estimate, because the DEP might implement this program in a variety of different ways. The DEP might develop regulations to require emitters of greenhouse gases to measure and report emissions, which could likely be achieved using existing staff. Alternatively, the DEP might choose to collect and process data from a wider variety of sources, which would likely require hiring new full-time staff members. The bill also requires the DEP to adopt rules and regulations to establish the

program, and to prepare biennial reports on its status. This will impose additional administrative duties on the DEP, which could likely be accomplished with existing staff.

The bill also requires the DEP, in consultation with BPU, to prepare a report that recommends strategies to meet the 2050 goal for Statewide greenhouse emissions. The costs of this report could vary widely depending on the depth of the study that the DEP chooses to undertake. A comprehensive study that examined policy options for achieving reductions in greenhouse gas emissions was completed in 2017 by Rutgers University, and was estimated to cost approximately \$250,000. That study, however, did not examine whether the policies, if implemented, would result in achievement of the 2050 goal as well as any interim goals, which is required by the report mandated in the bill. On the other hand, the DEP recently released a report entitled "2050 GHG Emissions Scenarios Report Online," which analyzed four different scenarios related to prospective greenhouse gas emissions, so it may have the capacity to produce a basic report that fulfills the bill's requirements using existing staff and resources.

Finally, the bill requires the DEP to adopt rules and regulations that implement the recommendations of this report, by establishing interim greenhouse gas emission benchmarks and measures necessary to achieve these benchmarks and the 2050 goal. This rulemaking process will add to the DEP's administrative workload and may result in a marginal one-time expenditure increase approximately 30 months after the effective date of the bill.

Section: Environment, Agriculture, Energy and Natural Resources

*Analyst: Carrie Anne Calvo-Hahn
Principal Research Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

07/23/2019

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

A4918 (Murphy/Beach, Oroho) - Requires Secretary of State to designate one-stop event planning contact person for certain events held in NJ.

[Copy of Statement on A4918](#)

S876 (Sweeney, Oroho, Singleton/DeAngelo, Bucco, Wirths) - Revises process for development and administration of Transportation Trust Fund projects and capital program oversight; establishes transportation research center.

S3207 (Smith, Greenstein, Bateman, Codey/Vainieri Huttie, Pinkin, Kennedy) - Establishes new timeframes for implementation of, and revises, certain requirements in "Global Warming Response Act."

[Copy of Statement on S3207](#)

**GOVERNOR'S STATEMENT UPON SIGNING
SENATE BILL NO. 3207
(Second Reprint)**

Today I am pleased to sign Senate Bill No. 3207 (Second Reprint) into law, establishing new timeframes and requirements for the implementation of the Global Warming Response Act. I commend the sponsors of this bill for providing the Department of Environmental Protection with the tools necessary to ensure the State meets our greenhouse gas emission reduction goals by 2050. Short-lived climate pollutants have a significant warming influence on the climate and must be evaluated as part of the State's comprehensive strategy to mitigate the impacts of climate change in our State.

Although this bill was amended to remove black carbon as a greenhouse gas, black carbon continues to be a short-lived climate pollutant, and will be a part of the State's comprehensive emissions reduction strategy. Furthermore, I am directing the Department of Environmental Protection to use its existing legal authority, in addition to the authority provided by this bill, to administratively address the reduction of short-lived climate pollutants such as black carbon, which will provide short-term air quality benefits while also reducing climate warming pollutants.

Date: July 23, 2019

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor